

**PUBLIC MEETING  
FEBRUARY 23, 2012  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting will be held on Thursday, February 23, 2012, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioners Mike Murray and Derek Brown were present. Others attending all or a portion of the meeting included Eric Bryson, Greg McNally, Audra Zacherl, Larry Hoffman, Carole Byrnes, Katie Jerstad, Kelly Blake, Delvin & Bonnie Gebhardt, Bill Maloit, Shawn Bryant, Steve Moore, Elaine Marcille, Brian Solan, Jack Walsh, Ron Bartsch, Mark Simonich, Martin Balukas, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Investment Grade Audit Contract between Ameresco and Lewis and Clark County. Energy Performance Contract to provide for the installation and implementation of energy, water, and other operating cost saving measures at county facilities. Contract amount \$40,000.00. (Eric Bryson)
- b. Weed Trust Fund Grant Applications: (Larry Hoffman, Coordinator, Weed District)
  - a. Flood Recovery from Noxious Weed
  - b. Lincoln Valley Snowmobile Trails
  - c. Public Awareness and Participation

Eric Bryson recommended approval of the consent agenda.

Consent Item 'A.' Brian Solan, Ameresco Energy Services, 34 W. 6<sup>th</sup>, Helena, presented results of the cursory audit. The county spends in the neighborhood of \$600,000 or \$700,000 a year in utility costs. The county could see an estimate in the 10 to 20 percent range of savings, approximately \$80,000 to \$100,000, potentially through the Investment Grade Audit and then implementation of those items. The cost of implementation is paid for typically in 10 to 15 years, with guaranteed savings.

Consent Item 'B.' Larry Hoffman stated that the three grant applications were submitted electronically to the State. They are now ready for commission approval. The grants deal with noxious weeds.

No public comment was received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign as appropriate. Commissioner Murray seconded the motion. The motion carried 3-0.

Bid Opening. Purchase of One (1) New Asphalt Patcher Body. (Audra Zacherl)

A patcher truck keeps the asphalt warm while it fills potholes. The current patcher truck body is completely worn out and has electrical problems.

Audra Zacherl assisted with opening the bid.

- (1) Northwest Manufacturing and Distribution, Inc., Billings, Montana. The bid has been signed. The bid security has been included. The base bid amount is \$54,300. Delivery will be no later than 90 days from receipt of the bid award.

No public comment was received.

Commissioner Murray moved that staff take the bid under advisement and report back at Tuesday's public meeting. Commissioner Brown seconded the motion. The motion carried 3-0.

Board Appointment – Craig Resort Area Advisory Council. (Carole Byrnes)

Carole Byrnes reported there are two vacancies on this Council. The candidates must meet the qualifications of property owner and/or business owner in the Craig area. Applications were submitted by Dan LaFromboise, Hazel Budeski, Ron Boboth, Jerry Lappier, and Mark Raisler. Terms will be decided at the first official meeting.

Commissioner Murray moved to appoint Gerald Lappier (business owner) and Ron Boboth (property owner) to fill the two positions. Commissioner Brown seconded the motion, but suggested Hazel Budeski because there is a business owner on the board. The motion carried 2-1. Commissioner Brown voted no.

Public Hearing for Proposed Modifications to Conditions of Approval for H.W. Smith Lot A-1A Amended (a.k.a. Heron Creek Subdivision) and Variance Requests from the Following Subdivision Regulations: XI.F.9, XI.H.1 and XI.Q. The property is located in the NW1/4 of Section 12, T10N, R02W; and generally located east of and adjacent to Eames Lane and south of and adjacent to Keir Lane. (Applicant: Ron Bartsch) (Planner: Greg McNally)

Greg McNally stated that the commission kept the public record open from the previous meeting and a few additional public comment letters were received. Because this is a second public hearing, staff has recommended that the Commission incorporate the proceedings of the January 24<sup>th</sup> and February 2<sup>nd</sup> public hearing, as well as the staff reports and any other information that was presented.

The irrigation ditch is located on the northwest corner of the subject property and runs along Eames Lane, north to Keir Lane until it re-emerges on the other side by the property currently owned by Balukas. Staff recommended rewriting Condition of Approval 14 to incorporate some of the language suggestions by Mr. Foster and discussion with Mr. Balukas.

The modification request is: 1) to add a Condition of Approval regarding Eames Lane; and 2) to develop a phasing plan for the proposed subdivision with six phases. There is also a change in road design and to convert 44 condominium units to single-family lots that were previously on one lot. In addition, with that modification request comes three variance requests; 1) to allow for double-fronted lots. There are two double-fronted lots on the proposal; 2) to allow for deviations in the road ditch design and road curvature. The road to be built in Phase II; and 3) to allow for the elimination of the requirements for two side-yard utility easements on 14 of the proposed lots located within Phase II.

Ron Bartsch, 184 Saddle Mountain Drive, acknowledged receipt of Mr. McNally's report regarding the irrigation issues. Three photos of the irrigation ditch were presented as well as language modification for condition 14. Applicant previously requested that this condition be stricken from his requirements. He does not consider a maximum of about 6 inches of water flowing during irrigation a public health and safety hazard. He agreed that the ditch should be safe but it does not need to be altered.

Shawn Bryant, GreatWest Engineering, 2501 Beltview. Summarized his letter regarding the road standard.

Public hearing on proposed modifications and variance requests –

Martin Balukas 5540 Keir Lane. As a downstream user he wants the integrity of the ditch to be maintained and follow the standards set by the Helena Valley Irrigation District.

Steve Moore, 3740 Eames Lane. Opposed to this project and discuss concerns about the irrigation issue between the developer and the Balukas family. Agrees with replacing the open-ditch flood irrigation system with an enclosed pipeline system with a pipeline no less than 15 inches in diameter. The pipe should have a built-in mesh safety screen to keep large debris from entering.

Elaine Marcille, 3180 Dredge Drive, Helena Building Industry Association. Concerned that the commission has deviated from their normal process of after the public hearing is closed then opened back up because the Water Irrigation District was late in submitting their findings on the Herron Creek property. Talked about the integrity of the Bartsch family.

Jack Walsh, 2024 8<sup>th</sup> Avenue, Helena Building Industry Association. Attested to applicant's professionalism, personal integrity, and ethics. He is a member of the HBIA and the State Association.

Commissioner Murray moved to incorporate the proceedings of the January 24<sup>th</sup> and February 2, 2012 public meetings as recommended by staff. Commissioner Brown seconded the motion. The motion carried 3-0.

The public hearing was closed.

Variances -

Commissioner Brown moved to approve the variance for double-fronted lots.

Commissioner Murray seconded the motion. After discussion, the motion failed 1-2.

Commissioner Murray and Hunthausen voted no.

Commissioner Murray moved to render a final decision on the subdivision application on Tuesday, February 28<sup>th</sup>. Commissioner Hunthausen seconded the motion and reconsider the variance request on Tuesday with the larger body of decisions. The motion carried 2-1. Commissioner Brown voted no.

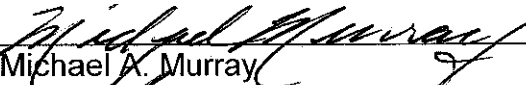
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 10:30 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael A. Murray



Derek Brown

ATTEST:



Paulette DeHart, Clerk of the Board